

**TESTIMONY OF STACI L. PIES, PRESIDENT, VON COALITION
BEFORE THE SUBCOMMITTEE ON
TELECOMMUNICATIONS & INTERNET,
HOUSE COMMITTEE ON ENERGY AND COMMERCE,
HEARING ON H.R. 5126, THE TRUTH IN CALLER ID ACT OF 2006**

(May 17, 2006)

Thank you, Chairman Upton, Ranking Member Markey, and members of the Subcommittee. My name is Staci Pies. I am Vice President, Governmental and Regulatory Affairs, of Point One, a VoIP provider, and President of the Voice on The Net or VON Coalition – the voice for the VoIP industry. On behalf of the VON Coalition, I thank the Subcommittee for the opportunity to testify about this important issue.

Before I address caller ID in particular, I would like to commend the Committee and Subcommittee for taking action in the recent COPE bill to accelerate the ability of VoIP to deliver E911 information along with 911 calls. Those provisions, along with what I hope will be a liability provision that can be adopted when the bill comes before the full House, help ensure that VoIP providers can accelerate E911 solutions through access to the necessary facilities, databases and numbers required to deliver E911. Particularly with respect to numbers, the creation of a national emergency routing number administrator will ensure that VoIP providers can obtain necessary pseudo-ANI numbers in a timely fashion. Leaders from this committee have written to the FCC suggesting they create such an administrator, and so have standards groups, but to date the FCC has unfortunately not done so. That makes it important that this committee adopt E911 legislation this year.

VoIP is burgeoning in popularity with consumers because it can do what Plain Old Telephone Service does – and often much much more. VoIP allows consumers to take control over their communications experience, to manage how they use those services and to decide when and where they want to receive calls. With VoIP, I can direct certain calls to my work phone, and others to my home or mobile phone. I can specify in what order I want my devices to be rung. I can screen calls and designate some calls at specific times of the day (for instance, during the family dinner hour) to be sent straight to voice mail. Some VoIP services even flash caller ID information on the TV screen, making it an easy decision to ignore the call in favor of . . . CSPAN. VoIP allows consumers to integrate technologies in innovative ways – it allows them to integrate voice mail, text messages, and voice services; to bring the power and potential of the Internet to voice communications.

These Internet based voice advances are giving consumers new choices, better prices, and advanced new features.

Many of the great benefits of VoIP to consumers and business users depend on accurate and non-misleading identification of the calling party. If I program my VoIP service to ensure that calls from my son's school are simultaneously rung on all of my phones, I don't want to answer it and find out that some telemarketer has spoofed the number to fool me into believing it is a priority call. And businesses that use caller ID to call up a customer's account record so that it is immediately available to the customer service representative won't find the record very useful if it is the wrong record because the caller ID has been spoofed. To protect the usefulness of their services, VoIP providers have a strong interest in having Caller ID be accurate and non-misleading. At

the same time, VoIP often also allows users greater control over their personal privacy by allowing them to block their caller-ID with the click of a mouse.

Moreover, we fully agree that strong action must be taken against those that intentionally spoof Caller ID with the intent to commit fraud, deceive, harass or otherwise create threats to life and limb. Media reports about spoofers calling police and drawing out SWAT teams are inexcusable and potentially life threatening. A stalker spoofing Caller ID to harass victims, or identity thieves pretending to be their victims are things every American should care about. Spoofing to deceive, defraud, or harass cannot and should not ever be condoned or tolerated. Congress is right to focus its attention on those who would do so.

As Congress addresses deceptive spoofing, though, we urge you to keep in mind that in some legitimate instances it can be necessary or desirable to change caller ID information – where the purpose is not to mislead or deceive, or where the modification is necessary for a public purpose. The bill recognizes, for example, that law enforcement may need to mask the true identity of an originating telephone number. This is not the only legitimate need to change caller id information. I'd like to share five examples:

- First, the FCC has created specific rules regarding what kind of caller ID information telemarketers should send. Telemarketers are required to transmit as caller ID a number to which a consumer can make a do-not-call request, rather than the telephone number from which the call is placed. The FCC did so deliberately in order to empower consumers to take steps to protect their privacy. Barring any change to caller ID information could prohibit compliance with this FCC rule.

- Second, one of the benefits of VoIP is that it can help a consumer better protect her own privacy and manage which of her personal information she presents to the world, irrespective of which communications device she picks up to initiate a call. Consumers may want to direct return calls to a home or business landline, rather than a wireless number, for example. Calls for different purposes (personal versus business) may merit different telephonic return addresses, as one might do with ordinary mail. This is not meant, however, to sanction masquerading as another.
- Third, there are also some situations in which caller ID information can endanger individual safety. The classic situation is the battered spouse. In some instances, blocking the delivery of caller ID information might be sufficient. But any legislation should be careful about presuming that blocking will always be adequate.
- A fourth example is that, in some circumstances, such as with forwarded calls, caller ID information needs to be altered to ensure that the original calling party's telephone number is transmitted as caller ID, rather than an intermediate number.
- And finally, as I mentioned at the beginning of my remarks, for E911 systems pseudo ANIs need to be inserted and used as this committee has recognized in the COPE bill.

I'd like to close with three additional thoughts. First, spoofing of Caller ID is not new. Tools have been widely available for years to spoof Caller ID on traditional

networks. One website offers the ability to download spoofing software from the Internet which then allows a common tape recorder to spoof caller ID.

Second, fighting misleading and deceptive changes in Caller ID is only part of the solution. Companies handling sensitive customer information must also make sure they are handling that information with care. While Caller ID can help a business retrieve a customer's account record, as long as Caller ID can technically be spoofed (which will be the case even with new legislation) the business needs to handle disclosure of those records with the utmost care – making consumer privacy their top priority.

Third, misleading people through the misuse of caller ID, whether for a prank, a scam, or worse, is unacceptable. This Committee is right to focus on those who intend to mislead. At the same time, though, legislation should not impose liability on traditional carriers and VoIP services providers who merely transmit what may turn out to be altered caller ID information. When good technology is used for bad purposes we'd like to make sure it's the bad use of the technology, not the unknowing technology itself, which carries the burden. Networks and network service providers may be unable and should not be required to become "content police" or to discern legitimate and illegitimate uses of network services. Instead, service providers are best able to assist in the efforts to fight spoofing by keeping accurate records and making those records available as appropriate to proper authorities. In focusing on those few people who would abuse caller ID technology, Congress can address the very real problem of spoofing effectively, in a cost-efficient manner that protects the proper use of this technology. VoIP service providers, who have made real strides in leveraging the power of Caller ID to provide innovative services to consumers, fully support this Committee's efforts to protect the integrity of

caller ID functionality. Together with this committee's previous efforts to enable consumers to take advantage of VoIP benefits, we believe VoIP is positioned to help make communicating more affordable, businesses more productive, jobs more plentiful, the Internet more valuable, and Americans more safe and secure.

Thank you very much. I am happy to answer any questions I can.